

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2383 of 2016 (O&M)

Date of Decision: 05.05.2016

Monu Joon

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sanjay Malik, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.327 dated 12.11.2015 under sections 148, 149, 323, 506, 307 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Line Paar, District Bahadurgarh.

On 22.1.2016, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would submit that allegations contained in the FIR are completely unfounded. FIR was stated to be registered on the statement of Dushyant in relation to an alleged occurrence dated 11.12.2015. Dushyant had alleged that he had been assaulted by the present petitioner as also a number of other assailants. Even Yogesh is stated to have suffered injuries in such occurrence. Counsel has referred to an affidavit dated 19.11.2015 of Yogesh in which he has deposed that the present petitioner had no role to play in the occurrence. That apart even an inquiry conducted by the Deputy Superintendent of Police, Bahadurgarh at Annexure P-4 is adverted to in which it has been opined that based on the footage of CCTV camera installed at the place of occurrence, present petitioner has no role to play.

Notice of motion, returnable for 08.02.2016.”

During the course of resumed hearing i.e. on 8.2.2016 petitioner was granted ad interim protection as regards arrest subject to his joining investigation.

Learned State counsel upon instructions from ASI Vijay Pal would apprise the Court that the petitioner has since joined investigation.

That apart, it has gone uncontroverted that upon an application having been filed by the present petitioner inquiry was conducted by the Dy.S.P., Bahadurgarh and in which the petitioner was found innocent. It has also been conceded that upon the directions of S.P., Jhajjar a second inquiry was marked to the Dy.S.P., Bahadurgarh and in which again allegations against the present petitioners have been found to be false.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 8.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.05.2016

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